

**BEFORE THE TENNESSEE REGULATORY AUTHORITY**

**NASHVILLE, TENNESSEE**

**January 8, 2003**

**IN RE:**

**GENERIC DOCKET ADDRESSING  
RURAL UNIVERSAL SERVICE**

**DOCKET NO.  
00-00523**

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**ORDER CONTINUING ABEYANCE**

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This docket came before the Pre-Hearing Officer to consider a request from BellSouth Telecommunications, Inc. ("BellSouth") and the Rural Coalition<sup>1</sup> to continue the abeyance originally granted by order entered on September 4, 2002 and continued on December 6, 2002.

On July 15, 2002, BellSouth filed *BellSouth Telecommunications Inc.'s Motion for Reconsideration or, in the Alternative, Clarification of the Initial Order of Hearing Officer for the Purpose of Addressing Legal Issues 2 and 3 Identified in the Report and Recommendation of the Pre-Hearing Officer Filed on November 8, 2000* ("Motion").<sup>2</sup> On August 23, 2002, BellSouth filed a letter requesting that the Tennessee Regulatory Authority ("Authority") hold the Motion in abeyance for sixty (60) days.

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<sup>1</sup> The Rural Coalition includes the following companies: Ardmore Telephone Company, Inc.; Ben Lomand Rural Telephone Cooperative, Inc.; Beldsoe Telephone Cooperative; CenturyTel of Adamsville, Inc.; CenturyTel of Claiborne, Inc.; CenturyTel of Ooltewah-Collegedale, Inc.; Concord Telephone Exchange, Inc.; Crockett Telephone Company, Inc.; Dekalb Telephone Cooperative, Inc.; Highland Telephone Cooperative, Inc.; Humphreys County Telephone Company; Loretto Telephone Company, Inc.; Millington Telephone Company; North Central Telephone Cooperative, Inc.; Peoples Telephone Company; Tellico Telephone Company, Inc.; Tennessee Telephone Company, Inc.; Twin Lakes Telephone Cooperative Corporation; United Telephone Company; West Tennessee Telephone Company, Inc.; and Yorkville Telephone Cooperative.

<sup>2</sup> BellSouth filed a "substitute version" of its motion on July 25, 2002. Former Director Melvin J. Malone issued the *Initial Order of Hearing Officer* on June 28, 2002. Director Malone's term as a director of the Tennessee Regulatory Authority expired on June 30, 2002.

The Pre-Hearing Officer<sup>3</sup> entered an order on September 4, 2002 granting BellSouth's request thereby holding the Motion in abeyance until November 4, 2002. The order further instructed that "[i]f the parties reach an agreement prior to the scheduling of a status conference, the parties shall file a written explanation of the agreement for consideration by the Hearing Officer."<sup>4</sup> Having received no written explanation of settlement prior to the conclusion of the sixty (60) day period, the Pre-Hearing Officer issued a notice on October 29, 2002 scheduling a status conference for November 6, 2002 to hear a report from the parties on the status of their settlement negotiations.

The Pre-Hearing Officer convened the status conference on November 6, 2002. BellSouth requested on behalf of itself and the Rural Coalition that the Pre-Hearing Officer extend the abeyance for an additional sixty (60) days and stated that the parties are "moving forward on numerous issues."<sup>5</sup> The Rural Coalition agreed with these comments.

After considering the parties' comments, the Pre-Hearing Officer granted the parties' request to extend the abeyance period from November 4, 2002 for an additional sixty (60) days. Also, the Pre-Hearing Officer directed the parties to file at the end of the abeyance period, if unresolved issues remained, a filing notifying the Authority of the status of negotiations and stating whether more time is needed to continue negotiations.<sup>6</sup>

On January 2, 2003, BellSouth and the Rural Coalition sent a letter to the Pre-Hearing Officer.<sup>7</sup> The letter states:

At this point all parties agree that negotiations continue to be in good faith and productive. In the event that parties to the negotiations feel otherwise we will

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<sup>3</sup> At the July 23, 2002 Authority Conference, the panel assigned to this docket voted to appoint Director Jones as the Pre-Hearing Officer.

<sup>4</sup> *Order Granting Request to Hold Reconsideration in Abeyance*, p. 3 (Sept. 4, 2002).

<sup>5</sup> Transcript of Proceedings, Nov. 6, 2002, p. 3 (Status Conference).

<sup>6</sup> *Order Continuing Abeyance* (Dec. 6, 2002).

<sup>7</sup> The Pre-Hearing Officer filed the original letter in the docket file.

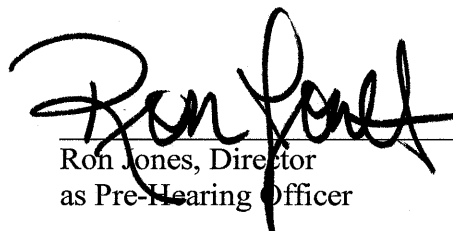
make you aware. In order to proceed with our negotiations, we are requesting that the authority enter an order holding [BellSouth's] Petition for Reconsideration in abeyance for an additional 60 days.<sup>8</sup>

Based on the foregoing statements, the Pre-Hearing Officer finds that the abeyance period should be continued for an additional sixty (60) days. Consistent with the parties' representation, the parties shall notify the Authority if the negotiations reach an impasse.

**IT IS THEREFORE ORDERED THAT:**

1. The parties' request to continue the abeyance period is granted such that the resolution of *BellSouth Telecommunications Inc.'s Motion for Reconsideration or, in the Alternative, Clarification of the Initial Order of Hearing Officer for the Purpose of Addressing Legal Issues 2 and 3 Identified in the Report and Recommendation of the Pre-Hearing Officer Filed on November 8, 2000* shall be held in abeyance until **Tuesday, March 4, 2003**.

2. Upon conclusion of the abeyance period if the parties have failed to enter into a settlement, the parties shall file a statement notifying the Authority of the status of negotiations and stating whether more time is needed to continue negotiations. If the parties reach an agreement prior to expiration of the abeyance period, the parties shall file a written explanation of the settlement for consideration by the Pre-Hearing Officer or the panel, whichever is appropriate. If the parties' negotiations reach an impasse prior to the expiration of the abeyance period, the parties shall notify the Tennessee Regulatory Authority of such circumstances.

  
Ron Jones, Director  
as Pre-Hearing Officer

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<sup>8</sup> Letter from BellSouth and Rural Coalition to Director Ron Jones, p. 1 (Jan. 2, 2003).